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ARTICLE 10

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10.00.00 GENERALLY

10.00.01 Purpose

This article sets forth the procedures for receiving, reviewing, and rendering decisions on applications for permits, rezoning, subdivisions, multi-family and non-residential development, mixed use development, and planned developments. This article also sets forth the requirements for appealing decisions and for enforcement. It is the City's intent that the procedures and requirements set forth in this article shall be followed in order to seek approval for any development.

10.00.02 Approvals Required

- A. No person shall develop any property within the City of Carrollton without first obtaining an approved subdivision plat, an approved development plan, and permits to perform such activities, as applicable. All development activities or site work conducted after approval of a development plan or subdivision plat shall conform to the specifications of such approved plat or plan.
- B. A plat of a land subdivision shall be recorded in the office of the Clerk of the Superior Court of Carroll County when approved as required by this article. The filing or recording of a plat of a subdivision without such approval is declared to be a violation of this UDO.
- C. The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to, exhibition of, or other use of a plat of a subdivision that has not been given final approval as required by this article and recorded in the office of the Clerk of the Superior Court of Carroll County is prohibited, and the description by metes and bounds in such an instrument of transfer or other document shall not exempt the transaction from prescribed penalties.

- D. Building Permit. No building or structure shall be erected, moved, added to, demolished or structurally altered without a building permit being authorized and issued by the City Manager.
 - 1. If the aggregate total cost of labor and material involved in such work is less than \$500.00, as estimated by the City Manager using current average cost estimates, no building permit is required.
- E. Major changes to an approved development plan, as defined below, shall require specific approval of an amended development plan.
 - 1. Altering the amount and velocity of stormwater runoff from the site;
 - 2. Increasing the amount of impervious surface within the development;
 - 3. Altering the overall density of development; or
 - 4. Substantially increasing the amount of excavation, fill, or removal of vegetation during construction.
- F. The following are exempt from the requirement to obtain an approved development plan prior to the issuance of required permits:
 - 1. Repairs to a facility that is part of a previously approved and permitted development;
 - 2. Accessory structures, provided applicable permits are obtained;
 - 3. Single-family detached homes constructed within an approved subdivision.
- G. A change of use occurs when an existing use of land or a building is replaced by another use. When a change of use occurs, an application for a development plan is required.
- H. Certificate of Occupancy. A Certificate of Occupancy authorized and issued by the City Manager shall be required in advance of:
 - 1. The initial use or occupancy of a lot.
 - 2. Any change in the use or occupancy of a lot.
 - 3. The initial use and occupancy of a building erected after enactment of this ordinance.
 - 4. Any change in the use of a building existing at the time of enactment of this ordinance.
 - 5. The change in use, extension, alteration, or reconstruction of any non-conforming use existing at the time of the enactment of this ordinance or an amendment thereto. The Certificate of Occupancy shall specifically state how the non-conforming use fails to meet the provisions of this ordinance.
- I. Except in the case of non-conforming uses existing at the time of the enactment of this UDO or an amendment thereto, no Certificate of Occupancy shall be issued unless the lot, building or structure complies with the provisions of this UDO.

- J. A record of all Certificates of Occupancy shall be kept on file with the City of Carrollton and a copy shall be furnished on request, to any person having a proprietary or tenancy interest in the lot, building or structure involved.

10.00.03 Expiration of Approvals

- A. Any building permit shall become void if the work involved has not begun within six (6) months after the date of issuance of the permit.
- B. If construction described in a development permit is suspended or abandoned after work has commenced, the permit shall expire six (6) months after the date that work ceased, unless construction re-commences within the six (6) month period.
- C. The time period for which a permit is valid may be extended for up to six (6) months where an application for such extension is filed and such extension has been granted in writing by the City Manager.

10.00.04 Fees Required

- A. The Mayor and City Council of the City of Carrollton shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, Certificates of Occupancy, appeals and other matters pertaining to this ordinance.
- B. The schedule of fees shall be posted in the office of the City Clerk and may be altered and amended only by the Mayor and City Council.
- C. All applications shall be accompanied by payment of application fees, as set forth in the City of Carrollton Fee Schedule as adopted by the Mayor and City Council. An application shall not be complete until all required fees are paid. Such fees shall include the filing fee, and where notice is required, shall include an additional fee to defray the expense of providing such notices.
- D. For land disturbance permits, a fee in addition to local permitting fees will be assessed pursuant to Georgia statutes. All applicable fees shall be paid prior to issuance of the land disturbance permit.

10.00.05 Requirements for Developments of Regional Impact (DRI)

The Georgia Department of Community Affairs (DCA), pursuant to the Georgia Planning Act, has established criteria for the identification of certain large-scale developments, which have the potential to cause land use impacts beyond the boundaries of the respective local government where a project might be proposed. These developments, known as Developments of Regional Impact (DRIs), shall be submitted, based on established DCA standards, procedures, and format, to the Chattahoochee-Flint Regional Development Center for review and recommendation prior to issuance of any local building or development permit, utility tap, or rezoning, whichever occurs first. As such, these requirements establish an official delay in the local permitting and/or review process to allow for compliance with these requirements.

10.00.06 Procedures for Conducting Public Meetings

The following rules of procedure shall govern public hearings pertaining to development subject to the provisions of this UDO:

- A. The proposal or request to be considered shall be presented by the City Manager.
- B. Public comments shall be heard in an orderly fashion. Comments and testimony shall be provided in the following order:
 - 1. The applicant or applicant's agent;
 - 2. Citizens speaking in favor of the proposal or request;
 - 3. Citizens speaking in opposition to the proposal or request; and
 - 4. Rebuttal.
- C. Any party may appear at the public hearing in person, or by agent, or by attorney.
- D. Each person who appears shall identify himself or herself by name and address; if the person is the applicant, he or she shall state whether he or she is the owner of the property or agent for the owner.
- E. Each applicant or other interested party who submits documents at the hearing shall identify each document. Each document submitted shall be made a part of the official record of the hearing.
- F. Time periods for testimony:
 - 1. Opponents shall have a minimum of ten (10) minutes to present data, evidence, and opinions pertinent to the proposal.
 - 2. Proponents, including the applicant and others speaking in favor of the proposal, shall have a minimum of ten (10) minutes to present data, evidence, and opinions pertinent to the proposal.
 - 3. The chair of the board hearing the request or proposal may allow additional time in the chair's discretion.
- G. The board hearing the request or proposal retains the privilege to ask any questions of the City Manager, other staff, or persons who have spoken on the matter.
- H. At the conclusion of the hearing by the board hearing the request or proposal, the board hearing the request or proposal shall announce its decision. The City Manager shall notify an applicant in writing of the decision of the board hearing the request or proposal. The written notification shall be made a part of the record.
- I. The board hearing the request or proposal may continue the public hearing where additional information is necessary in order to render a decision. The continuation shall be to a date certain. Where an application is remanded to the Planning Commission for consideration of additional conditions, it shall be heard by the Planning Commission on the next available meeting date.

10.00.07 Notice Requirements for Rezoning Applications

- A. At least fifteen (15) but not more than forty-five (45) days prior to the date of hearing, notice shall be published in the legal organ of Carroll County stating the date, time, place, and purpose of the hearing.
- B. Zoning decisions initiated by the Planning Commission or the Mayor and City Council shall require a public hearing on the proposed action; notice of said hearing to be published in the legal organ of Carroll County at least fifteen (15) days but not more than forty-five (45) days prior to the date of the hearing. The notice shall state the time, place and purpose of the meeting.
- C. If the zoning decision is for the rezoning of property and the rezoning is initiated by a party other than the City, then:
 1. The published notice shall also include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
 2. Notice shall be given by first-class mail to all property owners involved, including all contiguous property owners of record, at their last known address. Said notice shall be deemed sufficient when deposited in the U.S. Post Office; and
 3. A sign shall be placed on the property not less than fifteen (15) days prior to the hearing notifying interested persons that a rezoning petition has been filed.
 - a. Said signs shall be located on private property but within one (1) foot of the public right-of-way upon which said business or proposed use fronts.
 - b. The signs shall be placed on the property at 500-foot intervals. If the property in question has 500 feet or less frontage, only one (1) sign is required. Where property does not front on an existing right-of-way, said sign shall be placed within one (1) foot of the right-of-way of the nearest street or road. Where the property borders more than one (1) public right-of-way, signs shall be posted on all contiguous rights-of-way.
 - c. The sign shall include the following:
 - (i) Notice of rezoning hearing.
 - (ii) Date, time and location of hearing.
 - (iii) Present zoning.
 - (iv) Proposed zoning.
 - (v) Property map.
 - (vi) Name and telephone number of City of Carrollton staff contact where additional information may be obtained.

10.01.00 APPLICATION REQUIREMENTS

10.01.01 Pre-Application Conference

- A. A pre-application conference is a meeting between an applicant and the City Manager, or designated city staff, for the purposes of:
 - 1. Exchanging information on the potential development of a site;
 - 2. Providing information on permissible uses of the site proposed for development;
 - 3. Providing information to an applicant regarding the design standards set forth in this UDO that are applicable to a potential application;
 - 4. Providing information to an applicant regarding standards of regional, state, or federal agencies that may be applicable to a potential application;
 - 5. Determining the need and requirements for supporting plans, documents, and studies;
 - 6. Providing information to an applicant regarding infrastructure requirements and the construction of required improvements; and
 - 7. Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.
- B. Before proceeding with a proposed land subdivision or rezoning application, applicants are invited and encouraged to consult early and informally with the City Manager or designated city staff including the City Engineer.
- C. No fee shall be charged for this review, and no formal application is necessary.
- D. The purpose of the pre-application conference is to afford the applicant an opportunity to avail himself of the advice and assistance of the city staff in order to facilitate the subsequent preparation and consideration of subdivision plans or rezoning applications.
- E. It is the intent of the City of Carrollton that all requirements be identified during the pre-application conference.
- F. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- G. A prospective applicant may bring members of his project team, such as, but not limited to, the project engineer, land planner, architect, surveyor, or other person who will assist in the preparation of an application.
- H. A prospective applicant may provide an informal sketch plan to aid in the discussion. However, such an informal sketch plan shall not be reviewed in any way for compliance with the standards and requirements of this

UDO, and shall be used only as an aid to the conduct of the pre-application conference. A proposed subdivision plat, improvement plan, development plan, or other such plan shall not be considered or discussed during a pre-application conference.

10.01.02 Submittal Requirements for All Applications

A. The following information shall be provided for all applications:

1. An application form provided by the City of Carrollton.
2. Proof of ownership.
3. When the applicant is a representative of the property owner, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
4. A property survey conducted no more than two (2) years prior to the filing of the application, containing the legal description, boundaries, land area, notation whether any portion of the property is within an environmental area regulated as set forth in Article 3, and existing improvements located on the site. Where two (2) or more parcels are included within a proposed development, the survey shall include all parcels that are part of the proposed development, including all phases. The survey shall be prepared and sealed by a surveyor registered in the State of Georgia.
5. A vicinity map indicating the location of the site proposed for development.
6. Proof of payment of fees.
7. Other information to support the application as specified in this chapter and as may be required by the City Manager.

10.01.03 Determination of Completeness

- A. All applications shall be complete before acceptance for review and decision-making. A determination of completeness is a determination that all required documents and plans have been submitted in sufficient number, and that all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.
- B. The City Manager shall determine, within five (5) days of receipt of an application, whether the application is complete.
- C. If the City Manager determines that the application is not complete, the City Manager shall send notice to the applicant identifying the deficiencies. The applicant shall have thirty (30) days from the date of notice to correct the deficiencies. Until the applicant corrects the deficiencies, no further action shall be taken for processing the application. If the applicant fails to correct the deficiencies within the

- thirty (30) day period, the application shall be deemed withdrawn, and fees shall be returned.
- D. If the City Manager determines that the application is complete, the application shall be processed for review and action in accordance with the procedural requirements set forth in this chapter.

10.01.04 Building Permit Application

- A. All applications for building permits shall be made to the City Manager and shall be accompanied by plans in duplicate, drawn to scale, and showing:
1. The actual dimensions of the lot to be built upon;
 2. The sizes and location on the lot of any existing buildings or structures;
 3. The shape, size, height, use, and the location on the lot of the building or structure proposed to be erected or altered; and
 4. Setback lines, buffers, and such other information as may be necessary to provide for the enforcement of this ordinance.
- B. In addition to the application materials specified in Section 10.01.02, plans submitted for a building permit shall include the following items:
1. Project name;
 2. Project owner and address;
 3. Date, scale, north arrow;
 4. Owner and use of adjacent properties;
 5. Property lines and dimensions;
 6. Total project acreage;
 7. Proposed use of property to be developed;
 8. Required yard setbacks appropriately dimensioned;
 9. Location of existing buildings and the square footage in each;
 10. Location of proposed buildings and the square footage in each;
 11. Existing and future right-of-way of adjacent street, including names of streets and width of pavement;
 12. Topography at five-foot contour intervals for properties greater than one (1) acre, topography at two-foot contour intervals for properties less than one (1) acre;
 13. Location of driveway ingress and egress including dimensions for curb radius, driveway width and distance to nearest street intersection;
 14. All existing and proposed off-street parking spaces, loading stations, bays and walkways, including the type of servicing, angle of stalls, dimension of stalls, width of access aisle and schedule listing total number of parking stalls by type;

15. Location of buffers/screening, identifying the plant material by name, spacing of plant material and total number of plants by species;
16. Dumpster location;
17. Location of 100-year floodplain; and
18. Any other data requested in writing by the City Manager necessary to an understanding and evaluation of the project;

10.01.05 Submittal Requirements for Planned Developments

In addition to the general rezoning submittal requirements, applications to rezone property to Planned Development (PD) shall include the following:

- A. Concept Development Plan. This plan shall include a general site plan illustrating the following:
 1. The location of proposed lots or structures;
 2. Street systems, if applicable;
 3. Setbacks;
 4. Buffers;
 5. Density broken down by housing type;
 6. Greenspace and/or Open Space;
 7. Phase lines; and
 8. Any other site design or development standards deemed necessary by the City Manager, or his or her designee, for a complete review of the request.

This concept development plan is binding to the development of the site once approved by the Mayor and City Council.

- B. Written Narrative. The written narrative shall include the following:
 1. The types of uses broken down by percent (%) of the overall site;
 2. Description of the architectural characteristics of the proposed structures;
 3. Examples of proposed signage, if applicable;
 4. Description of the proposed amenities package and provisions for the permanent maintenance of proposed amenities; and
 5. Preliminary traffic counts for the proposed uses.

10.01.06 Rezoning Application

- A. In addition to the application materials specified in Section 10.01.02, applications for amendment of the City of Carrollton Zoning Map shall include the following:
 1. The area of the land proposed to be reclassified, stated in square feet if less than one (1) acre, and in acres if one (1) acre or more.

2. The application file number, date of application, and action taken on all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.
 3. A statement of intent, describing the specific nature of the request, a detailed justification for the request, and a statement demonstrating compliance of the request with the City of Carrollton Comprehensive Plan.
 4. The community or area in which the land proposed to be reclassified is located, the street address, the tax map-parcel number(s), and the location with respect to the nearby public streets or roadways in common use.
 5. A list of all current owners of record for properties located immediately adjacent to or directly across a public street or railroad right-of-way from the subject property. The list shall include the current names, mailing addresses, and tax map-parcel numbers as reflected on the current tax roll of Carroll County.
- B. A conceptual development plan may be submitted with an application for rezoning. A conceptual development plan shall demonstrate the ability of the proposed use(s) to be located on the site in compliance with the standards of this UDO. The conceptual development plan shall be of sufficient detail to bind the applicant to the features depicted on the conceptual development plan, and shall contain the following information:
1. Project name;
 2. Vicinity map showing zoning districts and existing land use within 500 feet of the boundaries of the site;
 3. Total area in acres and square feet;
 4. Current and proposed zoning classification, together with a summary of the applicable development standards for the proposed zoning district. A planned development shall include drawing notes detailing the proposed standards for site design and development for the PD zoning district;
 5. Natural features, including topography at ten (10) foot intervals, surface drainage, surface waters, flood plains, watershed areas, groundwater recharge areas, general location of wetlands, and the general location of wooded areas;
 6. Location with respect to any designated overlay districts;
 7. General location of existing and proposed roads and utility rights-of-way or easements;
 8. Location of existing property lines within the development site, if applicable;
 9. General location of existing and proposed development by type of use;

10. Proposed residential density and dwelling unit types, if applicable;
11. Location of proposed open spaces, recreational areas, and public buildings and uses, indicating those areas reserved or dedicated for public use; and
12. General plan for the provision of utilities and infrastructure.

10.01.07 Submittal Requirements for Amendments to the Unified Development Ordinance

- A. Applications for amendment of this UDO shall be made in the form of proposals for amendments of the text, standards, and other criteria. Proposals to amend the City of Carrollton Zoning Map shall meet the requirements set forth in Section 10.01.06.
- B. In addition to the application requirements set forth in Section 10.01.02, the following information shall be provided:
 1. Identification of the specific provision proposed for amendment;
 2. The proposed modifications in a strikethrough and underline format;
 3. A detailed explanation of the rationale and justification for the requested amendment; and
 4. A detailed explanation of the potential impacts of the modification on the development of the City of Carrollton.

10.01.08 Submittal Requirements for Amendments to Approved Development Plans and Zoning Conditions

- A. Modifications to zoning conditions include any changes to allowable uses, maximum density, maximum intensity, or compatibility requirements attached to the zoning approval as conditions of approval. In addition to the application requirements set forth in Section 10.01.02, the application shall contain a statement outlining the details of the amendment requested, the situation giving rise to the need for an amendment, and accompanied by plans fully describing the nature and extent of the amendment.
- B. Amendments to development plans include changes to dimensional design features as depicted on a conceptual development plan or on an approved development plan. The application shall include the information required by Section 10.01.02 and shall be accompanied by a detailed description of the site design features proposed to be modified and a detailed explanation of the need for the modification.

10.01.09 Preliminary Subdivision Plan

The preliminary subdivision plan submittal consists of the preliminary land subdivision plat, the preliminary site plan, and an application for subdivision plan approval.

- A. The preliminary land subdivision plat shall consist of a scale map or maps depicting the following:
 - 1. Streets, street names, and right-of-way widths;
 - 2. Other rights-of-way and easements;
 - 3. Lot lines drawn to scale;
 - 4. Lot and block identification;
 - 5. Minimum building setback lines;
 - 6. Subdivision boundary lines and total subdivision land area in acres;
 - 7. Key plan (if more than one sheet), legend, and notes;
 - 8. Dimensions, data, and lines as necessary to clearly indicate that all applicable requirements of the zoning ordinance are met. Where appropriate such information may be shown on the preliminary site plan;
 - 9. Title, scale, north arrow, and date;
 - 10. Name and address of owner of record and of subdivider;
 - 11. Proposed name of subdivision;
 - 12. The location of the subdivision and developments in its vicinity including land lot and district numbers and lines, and city and county names and limit lines;
 - 13. Name of owners of record of adjoining land; and
 - 14. Location of existing structures on the tract.
- B. The preliminary site plan shall consist of a scale map or maps depicting the following:
 - 1. Street right-of-way, street names, lot lines, easements;
 - 2. Topography at suitable contour interval(s);
 - 3. Pavement widths, spot elevations, approximate street gradients and outline of construction specifications;
 - 4. Spot elevations and slope ratios for any heavy grading;
 - 5. Proposed public or semipublic sites for parks, churches and other community facilities, if any;
 - 6. Generalized storm drainage plan including catch basin locations, tentative sewer and culvert sizes, spot elevations of key system elements, final disposition of surface water, and outline of construction specifications;
 - 7. Preliminary sanitary sewerage system plan including line locations and sizes, manholes, elevation of key system elements, location or method of final wastewater disposal, and outline of construction specifications;
 - 8. Preliminary water system plan including line location, sizing and tie-in to existing city distribution;

9. Sequence and geographic limits of construction phases proposed for large scale development; and
10. Other data necessary to demonstrate that the subdivision can meet requirements of an acceptable subdivision plat of record.

10.01.10 Subdivision Construction Plan

- A. The subdivision construction plan submittal shall consist of the following:
 1. Engineered construction plans which shall include:
 - a. Street and drainage information;
 - b. Water and sewer plans; and
 - c. Erosion control plans.
 2. A performance agreement letter, letter of credit, and/or a water/sewer installation agreement letter as required by the City Manager.
- B. Qualified Engineers. Engineered construction plans for subdivisions shall be prepared by a qualified and licensed engineer regularly engaged in the design of such facilities.
- C. General Information. Information shall be provided on the subdivision construction plan in accordance with the Design and Construction Standards on file in the office of the City Engineer.

10.01.11 Subdivision Record Plat

The record documents consist of the final land subdivision plat also known as the plat of record, the required engineering plans of record, and a filing fee, together with other specific document requirements described in this chapter.

- A. Record Plat Requirements. The land subdivision plat part of the record documents shall be prepared by a licensed surveyor and shall meet the following requirements:
 1. The plat of record shall be clearly and legibly drawn at a scale of fifty feet (50), 100 or 200 feet to one (1) inch.
 2. The plat of record shall be prepared on heavyweight plastic drafting film.
 3. The plat of record shall show:
 - a. Numeric and graphic scales, north arrow and date.
 - b. Name and address of owner of record and of subdivider.
 - c. Name of subdivision and its acreage.
 - d. Bearings and distances determined by field survey of the subdivision boundaries to the nearest street lines or other permanent monuments accurately described on the plat. In the event these monuments are not available, the subdivider shall have the required number of monuments constructed at locations and in a manner acceptable to the City of Carrollton.
 - e. Municipal, county and land lot lines accurately located in relation

- to subdivision boundaries by bearings and distances when such lines traverse or are reasonably close to the subdivision.
- f. Bearings and distances determined by field survey of each lot boundary to an accuracy of at least 1:10,000.
 - g. Bearings and distances of street right-of-way lines with field determined curve and tangent data.
 - h. Street addresses assigned by the City Engineer.
 - i. Names of owners of record of adjoining land.
 - j. Names, location, and right-of-way width of streets on and adjacent to the tract.
 - k. Lot lines with accurately calculated dimensions and bearings, square footage, lot numbers, and block numbers or letters.
 - l. Sites, if any, to be used for purposes other than single-family dwellings.
 - m. Sites, if any, to be dedicated or reserved for parks, schools, playgrounds or other public use, together with the purpose and the conditions or limitations of such dedication, if any.
 - n. Minimum setback lines, as required under this UDO.
 - o. Easements on and adjacent to the tract with their locations, width and purpose.
 - p. Location of significant existing structures on the tract.
 - q. Location of significant watercourses on and adjacent to the property.
 - r. Location of any floodplain on the site.
 - s. A statement, either directly on the plat or in an identified attached document, of any private deed covenants, none of which shall stipulate lower standards than the minimum requirements of this UDO.
 - t. A surveyor's certification as follows:

SURVEYOR'S CERTIFICATION

This survey has been calculated for closure by latitudes and departures and is found to be accurate within one foot in _____ feet.

In my opinion this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

By: _____

Date: _____

- u. An owner's certification as follows:

OWNER'S CERTIFICATION

STATE OF GEORGIA

COUNTY OF CARROLL

The owner of the land described by this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that all state and county taxes or other assessments now due on this land have been paid, and that he dedicates to the use of the public forever all streets, alleys, parks and watercourses, drains, easements, and other public places hereon shown for considerations hereby acknowledged, except those public ways or places specifically indicated hereon as being excluded from such dedication.

By: _____

Title: _____

Date: _____

v. City Engineer's certification as follows:

CITY ENGINEER'S CERTIFICATION

I hereby certify that this plat is officially approved for recording in the office of the Clerk of the Superior Court, Carroll County, Georgia.

By: _____

Date: _____

4. The proposed name of the subdivision shall not duplicate nor too closely approximate, phonetically, the name of any other subdivision in the Carrollton area.
 5. Except where clearly indicated to the contrary on the approved final subdivision plan, streets, storm and sanitary sewerage, and water system improvements shall on satisfactory completion be dedicated to the City. Privately-owned water and sewer utilities where permitted by the City within shopping centers, apartment developments and similar developments shall conform with applicable subdivision regulations up to the point at which city-enforced building utility code(s) assume jurisdiction.
- B. Engineering Plans of Record.** The engineering plans of record shall meet the following requirements:
1. Conform with the requirements of the engineered construction plans except where modified by this section.
 2. Prepared on heavyweight plastic drafting film.

3. Show all data, dimensions, plans, profiles, stationing, elevations, materials, etc., corrected to conform with actually constructed improvements.
4. They shall include an engineer's certification as follows:

ENGINEER'S CERTIFICATION

It is hereby certified that these engineering plans have been corrected to accurately show improvements as actually constructed, that I have inspected these improvements during and on completion of construction, and that in my opinion such improvements are suitable for their intended purposes.

By: _____

Date: _____

10.02.00 PROCEDURAL REQUIREMENTS

10.02.01 Building Permits

- A. If the City Manager determines that application for a building permit conforms to all of the provisions of this UDO, the building codes and other applicable ordinances of the City of Carrollton, and all required fees have been paid, the building permit shall be issued.
- B. If the City Manager determines that application for a building permit is not in compliance, the application for the building permit shall be denied by the City Manager, with the reason(s) for such denial provided to the applicant in writing.
- C. Applicable Development Standards
 1. Development standards and ordinance requirements in effect on the date of approval of development plans for a specific project shall remain in effect for a period of twenty-four (24) months.
 2. Any work performed within the approved development under a building permit issued after the twenty-four (24) month period has expired shall be accomplished in accordance with the standards and ordinance requirements in effect as of that date.

10.02.02 Procedures for Amendments to the Official Zoning Map and Text of the Unified Development Ordinance

The procedure for amending the official Zoning Map and Articles 2 and 4 of this UDO shall be as outlined below:

- A. Any person or persons desiring to submit a petition requesting a change in zoning shall file the following:
 1. Rezoning Application;
 2. Plat of the affected property;

3. Proof of payment of fees as established in Section 10.00.04. Fees shall not be refundable after the application has been submitted and deemed complete regardless of any future action under this UDO; and
 4. The petitioner may also be required to submit additional information as requested by the City Manager as may be useful and necessary to deliberations regarding the zoning change.
- B. Applications for rezoning must be submitted at least fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission.
- C. All amendments shall be proposed by or shall first be submitted to the Planning Commission for review and recommendation prior to adoption by the Mayor and City Council.
1. The Planning Commission shall have sixty (60) days from the date of the second reading within which to complete its review and submit a report and recommendations to the Mayor and City Council;
 2. The Planning Commission shall hold a public hearing on the proposed amendment during the review period;
 3. At least fifteen (15) days notice of the time and place of any such public hearing shall be published in a newspaper of general circulation in the City of Carrollton; and
 4. If the Planning Commission fails to submit a report to the Mayor and City Council within sixty (60) days of its second reading, it shall be deemed to have recommended approval of the proposed amendment.
- D. Withdrawal of an application. An application for rezoning may be withdrawn subject to the following provisions:
1. Any applicant withdrawing his petition after the first reading and advertisement of the application but prior to the formal consideration by the Planning Commission may resubmit the petition but there can be no resubmission for consideration prior to a thirty (30) day waiting period; and
 2. Any withdrawal after formal action of the Planning Commission shall require a ninety (90) day waiting period prior to resubmitting the petition for consideration.
- E. After the Planning Commission review period, proposed amendments to this zoning ordinance shall be submitted to the Mayor and City Council for adoption or rejection.
- F. Before the Mayor and City Council act on an amendment to this zoning ordinance, it shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the City of Carrollton.
- G. The Planning Commission review shall consist of two (2) hearings.

1. The first hearing is to officially recognize the proposed amendment and place said application for amendment on the agenda and shall be designated as a first reading.
 2. The second hearing, designated as a second reading, shall include the public hearing, following published notice, and shall be the hearing to determine the disposition report on the application to be forwarded to the Mayor and City Council.
- H. The following procedures apply to all amendment hearings:
1. At all hearings, a quorum of the Planning Commission or Mayor and City Council members shall be present;
 2. All hearings shall be open to the public;
 3. Roberts' Rules of Order shall apply;
 4. All decisions shall be by a majority vote; and
 5. Transcripts, if desired, shall be the responsibility of the affected party.
- I. There shall at all times be an attempt in making a decision to balance the interest in promoting the public health, safety, morality and general welfare against the right to the unrestricted use of the property of the individual citizen. The following criteria shall be considered in arriving at all rezoning decisions:
1. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
 2. Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?
 3. Is the proposed use compatible with the purpose and intent of the comprehensive plan?
 4. Are there substantial reasons why the property cannot or should not be used as currently zoned?
 5. Will the proposed use cause an excessive or burdensome use of public utilities or services, including but not limited to streets, schools, water or sewer utilities, and police and fire protection?
 6. Is the proposed use supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties?
 7. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality or general welfare and the right to unrestricted use of property?
- J. In addition to the review criteria listed above, the following review criteria shall be utilized in the review of rezoning applications for two-family developments, duplexes, townhouse developments, and multi-family developments in excess of twelve (12) units:

1. Rezoning for two-family, townhouse, and multifamily uses should not be permitted on parcels that are surrounded on more than two (2) sides by property that is either used as or zoned for single-family residential uses.
 2. The parcel shall have primary ingress and egress from either a major or a collector street.
 3. The parcel shall be served with both public water and public sewer.
 4. Rezoning for two-family, townhouse, and multifamily uses should be evaluated in the context of the following:
 - a. The comparatively greater impacts of multi-family housing on the delivery of City services when considered as a land development pattern, and
 - b. The City's policy to limit the amount of multi-family housing to the proportion that currently exists, approximately 50 percent (50%) of the total housing stock.
- K. Reconsideration by Mayor and City Council. An application for rezoning property within the City of Carrollton shall not be considered if the property requested to be rezoned has been considered by the Mayor and City Council for that same rezoning within a period of twelve (12) months immediately preceding the application.

10.02.03 Subdivisions - Generally

A. Platting authority.

1. The Planning Commission will tentatively approve preliminary subdivision plans as provided in Section 10.02.04. Based on the Planning Commission's recommendations, the City Engineer shall be designated as the platting authority.
2. Land subdivision plat recording.
 - a. The Clerk of the Superior Court of Carroll County shall not record or file a plat of a subdivision within the incorporated area of the City which is not a land subdivision plat of record and which does not have the approval of the City Engineer, as required by this UDO.
 - b. The filing or recording of a plat of a subdivision which is not a land subdivision plat of record approved by the City Engineer is hereby declared a misdemeanor, and, upon conviction, shall be punishable as provided by the law.

B. Use of plat.

1. The owner or the agent of the owner of any land to be subdivided in the incorporated area of the City of Carrollton who transfers or sells or agrees to sell or negotiates to sell land by reference to or exhibition or other use of a plat of a subdivision that is not the land subdivision plat

- of record that has been approved by the City Engineer and has been lawfully recorded in the office of the Clerk of the Superior Court of Carroll County shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by law.
2. The description by metes and bounds in the instrument of transfer or other document used in the selling or transfer shall not exempt the transaction from penalties. The City Manager may take necessary and appropriate action to enjoin such transfer or agreement.
- C. Acceptance of and improvements in unapproved streets.
1. The Mayor and City Council of Carrollton, Georgia, or other public authority shall not accept, lay out, open, improve, grade, pave or light any street or lay or authorize the laying of any water mains, sewers, connections or other facilities or utilities in any street within the incorporated area of the City unless such street is approved on engineered construction plans by the City Engineer or unless the street had attained the legal status of a public street prior to the effective date of this UDO;
 2. The Mayor and City Council of Carrollton, Georgia, may locate, construct or accept any street by resolution.
- D. Erection of buildings. No building permit shall be issued for and no building or other structure shall be erected on any lot within the incorporated area of the City unless the street on which the lot fronts corresponds in its location and lines with a street shown on the subdivision plat of record of a subdivision that has been approved by the City Engineer and has been lawfully recorded in the office of the Clerk of the Superior Court of Carroll County unless the specific building lot existed and street had attained the legal status of a public street prior to the effective date of this UDO or had been accepted as a public street by resolution of the Mayor and City Council of Carrollton, Georgia.
- E. General Requirements.
1. Land subject to flooding, improper drainage or erosion, or land that is for topographical or other reasons unsuitable for residential use, shall not be platted for residential use nor for any other use that will continue or increase the danger to health and safety and of property destruction, unless the hazards can be and are corrected.
 2. The subdivider shall preserve all trees and other natural growth to the maximum extent feasible.
 3. Access to every subdivision shall be provided over a public street.
 4. All streets and other features shall be platted by the subdivider in the location and to the dimension indicated and required by this UDO.
 5. Dedications.

- a. When features of other plans adopted by the Planning Commission, including schools, public building sites, parks or other land for public uses, are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.
- b. Whenever a subdivision plat proposes the dedication to public use of land that the Planning Commission finds not required or not suitable for such public use, the Planning Commission shall refuse to approve the plan and shall notify the land developer and the governing body of the reasons for such action.

10.02.04 Procedures for Preliminary Subdivision Plats

A. Review procedures.

1. The developer shall submit the following:
 - a. Two (2) copies of the preliminary subdivision plat,
 - b. Two (2) copies of the preliminary subdivision site plan, and
 - c. The application for subdivision plan approval to the City Engineer.
2. The City Engineer shall review the preliminary subdivision plan and coordinate with each City department having jurisdiction with respect to any land subdivision matter.
3. Each City department having jurisdiction shall thereupon analyze and acquaint themselves with the preliminary subdivision plan and forward comments to the City Engineer.
4. After review of the comments by the various City departments, the City Engineer shall notify the subdivider of the time and place at which the Planning Commission will act upon the preliminary subdivision plan.
5. The City Engineer shall advise the subdivider if an unfavorable report is to be made to the Planning Commission, and offer the subdivider the opportunity of making written withdrawal of his application and arranging for an early conference to discuss the reason for an unfavorable recommendation.
6. The Planning Commission shall be furnished review and comments of the City Engineer, after which the Planning Commission shall tentatively approve or disapprove the preliminary subdivision plat within thirty (30) days after the plat was submitted to the Planning Commission. The grounds for disapproval of any plat shall be stated upon the records of the Planning Commission.
7. The City Engineer shall promptly advise the subdivider in writing of the action taken on his application.

- B. No construction work nor site clearance shall be deemed to have been authorized on a proposed land subdivision as a result of any action taken by the Planning Commission in connection with approving or disapproving a preliminary plat.
- C. Expiration of approval. Approval of a preliminary plat shall expire and be null and void after a period of twelve (12) months unless an extension of time is approved by the Planning Commission.

10.02.05 Procedures for Subdivision Construction Plan

- A. Review procedures for subdivision construction plans.
 - 1. The developer shall submit the following:
 - a. Three (3) copies of the engineered construction plans;
 - b. A performance agreement letter; and
 - c. A water/sewer installation agreement letter.
 - 2. The City Engineer shall review the engineered construction plans and coordinate with each City department having jurisdiction with respect to any land subdivision matter.
 - 3. Each City department having jurisdiction shall review the plans and forward comments to the City Engineer.
 - 4. The City Engineer shall promptly advise the subdivider in writing of the action taken on the submittal.
 - 5. Upon approval of the subdivision construction plans, the developer may apply for a land disturbing activity permit.
 - 6. Prior to commencing work, the developer must coordinate with the City Engineer concerning the following inspection requirements:
 - a. Erosion control;
 - b. Water/sewer installation (if accomplished by the developer);
 - c. Storm drainage construction;
 - d. Subgrade preparation;
 - e. Curb and gutter installation;
 - f. Base preparation; and
 - g. Asphalt placement.
- B. Required improvements. Prior to the commencement of construction of any building within a subdivision, the following items must be complete:
 - 1. Storm drainage system including satisfactory storm water discharge on or off the subdivision site;
 - 2. Street grading;
 - 3. Satisfactory erosion control;
 - 4. All-weather surfacing of roads;
 - 5. Concrete curb and gutters;

6. Bridges necessary to public access along any street proposed for public dedication;
7. Sanitary sewer system including satisfactory on- or off-site disposal of wastewater as per the Design and Construction Standards;
8. Water distribution system with fire hydrants and any off-site extension of the city water supply to the subdivision as per the Design and Construction Standards;
9. All streets, water mains, and sanitary sewer mains are required to be maintained for a period of two (2) years from the date the final plat is approved by the City Engineer; and
10. Approval and filing of the documents of record by the City Engineer.

10.02.06 Procedures for Subdivision Record Plats

A. Review procedures for the documents of record.

1. The subdivider shall submit the following to the City Engineer:
 - a. Plat of record with one (1) copy on heavy plastic drafting film and three (3) paper copies.
 - b. Engineering plans of record with one (1) copy on heavy plastic drafting film and one (1) paper copy.
 - c. Maintenance agreement letter acknowledging the responsibility of the subdivider for maintenance of all dedicated improvements for a two (2) year period. The agreement letter shall be guaranteed by a maintenance bond provided by the owner as a condition of acceptance. The City, at its sole discretion, may accept an irrevocable letter of credit in lieu of a bond.
 - d. Plat of record, water plans, sanitary sewer plans, sanitary sewer tap locations including the distance from manhole, in a digital format according to City of Carrollton standards.
 - e. Filing fees as established in the schedule of fees adopted by the Mayor and City Council.
2. The City Engineer shall review the documents of record and compare the data thereon with available field information.
3. The City Engineer shall approve the documents of record if the determination is made that all requirements of these regulations are met and that all improvements shown are satisfactorily completed.
4. The City Engineer shall thereafter promptly submit the approved plat of record for recording in the office of the Clerk of the Superior Court of Carroll County.

B. Authorized building construction. Until the land subdivision plat of record has been approved and filed by the City Engineer:

1. No street shall be deemed to have been accepted or to have otherwise been given legal status.

2. No building or other structure within the subdivision shall be erected, moved, added to, or structurally altered.
3. After such approval and acceptance, no building permit shall be issued by the City except in conformance with the provisions of this UDO.

10.03.00 APPEALS

10.03.01 Appeals to the Board of Development Appeals (BDA)

- A. Appeals to the Board of Development Appeals (BDA) may be made by any person dissatisfied by a decision or interpretation made by the Planning Commission, the City Manager or his designee(s), or the City Engineer in the administration and enforcement of this UDO.
 1. Such appeal shall be made within thirty (30) days from the date the appellant is notified of an adverse decision of the City by filing with the Secretary of the BDA a notice of appeal specifying the grounds thereof.
 2. The Secretary shall transmit to the BDA all the documentation constituting the record upon which the action appealed from was taken.

10.03.02 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the City Manager certifies to the BDA after the notice of appeal shall have been filed with the Secretary of the BDA, that by reason of facts stated in the certificate, a stay would, in the City's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.

10.03.03 Powers of the Board of Development Appeals

The Board of Development Appeals (BDA) shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the City in the enforcement of this UDO.
- B. To authorize upon appeal in specific cases such variance from the terms of this UDO as provided in Section 9.02.00.
- C. In exercising the above powers the BDA may, in conformity with the provisions of this UDO, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as the BDA deems proper, and to that end shall have the powers of the officer from whom the appeal is taken.

10.03.04 Procedures of the Board of Development Appeals

- A. Meetings of the BDA shall be held at the call of the chairman and at such other times as the BDA may determine.

1. The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoenas.
2. At all meetings of the board, a quorum of a minimum of three (3) members shall be present and Robert's Rules of Order shall apply.
3. The presiding officer shall be entitled to a vote on all issues.
- B. The BDA shall fix a reasonable time for a hearing of an appeal or other matter referred to the BDA. Notice of the hearing shall be provided by the following:
 1. A minimum of fifteen (15) days notice of the time, place and issue to be decided, published in a newspaper of general circulation in the City of Carrollton.
 2. Adjacent property owners shall be given notice by first-class mail at their last known address as shown on the records of the Carroll County Tax Commissioner, and said notice shall be deemed sufficient when deposited in the U.S. Post Office with sufficient postage thereon to ensure delivery.
- C. Any party with business before the BDA may appear in person or by agent or represented by an attorney.
- D. The appeal shall be decided within a reasonable time by a majority vote of the BDA.
- E. Transcripts, if desired, shall be the responsibility of the affected party.
- F. The BDA shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the City Clerk and shall be public record.

10.03.05 Appeals from a Decision of the Board of Development Appeals

- A. Any person aggrieved by any decisions of the Board of Development Appeals, may take an appeal to the Superior Court of Carroll County.
- B. The procedures for an appeal to the Superior Court shall be the same as an appeal from any decision made by the Probate Court, except, however, that said appeal must be filed within thirty (30) days after the date of the decision of the Board of Development Appeals.
- C. Upon failure to file said appeal within thirty (30) days the decision of the Board of Development Appeals shall be final.

10.04.00 VIOLATIONS, ENFORCEMENT AND PENALTIES

10.04.01 Violations

It shall be a violation of this UDO to:

- A. Use or develop property without a permit required by this UDO for such use or development;
- B. Use or develop any property for use that is not permissible in the applicable zoning district;
- C. Use or develop property in violation of the conditions and limitations for such use or development set forth in this UDO; or
- D. Construct or move any structure in violation of the applicable provisions of this UDO.

10.04.02 Enforcement

- A. The City Manager shall be responsible for enforcement of the provisions of this UDO.
- B. If any building or structure is erected, constructed, moved, added to, demolished, structurally altered, maintained or used in violation of this ordinance, any appropriate authority or any property owner whose property would be damaged by such violation may file a written complaint with the City Manager stating fully the causes and basis for the complaint.
- C. The City Manager shall provide a written notice of an alleged violation of this UDO to the property owner. The written notice shall indicate the nature of the violation and the necessary action to correct or abate the violation.
- D. The City of Carrollton, or any other owner of real estate who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to stop the violation.

10.04.03 Penalties

- A. Any person, firm or corporation or other legal entity violating any of the provisions of this UDO shall be guilty of a misdemeanor, and, upon conviction, shall be punished for each offense according to the Charter, codes, and ordinances of the City of Carrollton.
- B. Each day during which violation or failure or refusal to comply continues shall be a separate violation.
- C. No further City permits shall be issued or inspections provided until all violations of this UDO are corrected and accepted by the City Manager.
- D. No Certificate of Occupancy shall be granted unless and until all corrective actions have been completed or a performance bond satisfactory to the City is submitted and approved.